HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.4245 of 2005

PETITIONER		Smt. Anita Bai, W/o Chain Lal Kasaf, Aged about 47 years, R/o B-57, Kota Colony, Raipur (C.G.)
		Versus
RESPONDENTS	1.	State Transport Appellate Tribunal, C.G., Raipur.
	2.	Regional Transport Authority, C.G. at Raipur.
	3.	M/s New Motor Transport Services, Apapura, Durg.
	4.	State of Chhattisgarh Through Transport Secretary, Raipur.

Present : Shri B.K. Rawat, learned counsel for the petitioner.
Shri Yashwant Singh, Govt. Advocate for the State.

ORAL ORDER
(12th September, 2006)

The regular permit granted to the 3rd respondent on the route from Takhatpur to Durg has been assailed on two grounds in this writ petition, namely, (i) the timing assigned to the 3rd respondent and timing assigned to the petitioner are identical; and (ii) formulation of the route from Takhatpur to Durg via Raipur is not done.

2. The second ground is urged for the first time in this writ petition. Having perused the order of the STAT, it is seen that such a ground was not urged before the STAT. The second ground

is a factual ground and not legal and therefore, the petitioner cannot be permitted to raise this ground for the first time in the petition under Article 226/227 of the Constitution. Therefore, what remains is the consideration of the first ground. It is stated that the bus of the 3rd respondent reaches Raipur at 11.20 A.M. and as per the timing assigned to it, it leaves Raipur to Durg at 11.35 A.M. The petitioner is operating his bus from Raipur to Durg and his bus also commences journey at 11.35 A.M. It is quite often said and reiterated by the Courts that the authorities passing the statutory orders under the Motor Vehicles Act, 1988 should keep in mind the interest of the traveling public in particular, while assigning or varying timings.

3. Raipur is a capital city of the State of Chhattisgarh and Durg too is an important growing city in the State of Chhattisgarh. Commuters between the two cities are large in number. It cannot be said that operating only one bus at a particular point of time would meet the needs of the commuters. Therefore, simply because in terms of the time assigned to the petitioner and the third respondent, their respective buses have to leave Raipur at 11.35 A.M., it cannot be said that the decision taken by the statutory authority in public interest cannot be faulted with. Furthermore, it needs to be noticed that the third respondent's bus commences journey from Takhatpur, which is said to be more than 100 Kms away from Raipur city. The said service is essentially meant to meet the needs of traveling public from Takhatpur to Durg. Even assuming that at Raipur, few passengers may be

allowed to board to go to Durg, that will not come in the way of the petitioner operating his bus from Raipur to Durg with the required number of passengers. It is nobody's case that since the timing assigned to both the buses from Raipur is identical and therefore, the bus of the petitioner would not secure the required number of passengers going from Raipur to Durg. For all these reasons, I do not find any merit in this writ petition warranting interference with the timings assigned by the statutory authorities. Writ petition is therefore, dismissed. No costs.

Sd/-
Chief Justice

KVR